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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
020366-092300US

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Application Number	Filed
10/676,429	September 30, 2003

First Named Inventor
Bruce A. Phillips et al.

Art Unit	Examiner
2427	Patrick A. Ryan

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☑ attorney or agent of record.
Registration number 44,187.

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

/Chad E. King/
Signature

Chad E. King
Typed or printed name

303-268-0066
Telephone number

2011-06-03
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Confirmation No. 7056
Bruce A. Phillips et al.	Examiner: Patrick A. Ryan
Application No.: 10/676,429	Technology Center/Art Unit: 2427
Filed: September 30, 2003	AMENDMENT
Title: Methods, Systems and Apparatus for Selectively Distributing Urgent Public Information	
Customer No.: 83809	

VIA EFS
Mail Stop Amendment
Commissioner for Patents
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Alexandria, VA 22313-1450

STATEMENT OF REASONS IN SUPPORT OF REQUEST FOR PRE-APPEAL BRIEF REVIEW

Dear Sir:

The applicants respectfully submit this statement of reasons supporting their request for review in this case. The Office Action mailed September 28, 2010 (the "Office Action") rejected claims 1-55 under § 103(a) as being unpatentable over 6,816,878 to Zimmers *et al.* ("Zimmers"), in view of 7,233,781 to Hunter *et al.* ("Hunter") in view of 6,526,581 to Edson ("Edson") in further view of 2003/0131142 to Horvitz *et al.* ("Horvitz"). Applicant respectfully traverses these rejections. The combination of Zimmers, Hunter, Edson, and Horvitz cannot render obvious any of claims 1-55 under 35 U.S.C. § 103(a) for at least the reasons outlined below.

The Office concedes that the combination of Zimmers, Edson, and Hunter is deficient

Claim 1 recites, inter alia, "wherein the alert gateway is in communication with two or more types of subscriber equipment, and is configured to analyze the event information and to determine to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the event information." Claim 1 further specifies what is meant by the

term, "event information": "the alert being configured to describe an event and having associated information about the alert comprising event information characterizing the event."

Thus, claim 1 requires an alert gateway to analyze information characterizing the event (e.g., a weather event, natural or disaster, civil defense warning, etc.) that is the subject of the alert itself, and based on the information characterizing the event (not merely information characterizing the alert itself), determine which subscriber equipment should receive the alert.

The Office Action correctly concedes that neither Zimmers, Hunter, nor Edson discloses or suggests this feature. The Office Action, however, does contend that Horvitz discloses this functionality. We respectfully disagree.

Horvitz teaches routing notifications by using XML schemas, NOT by using information characterizing an event

Horvitz does disclose a system that intelligently routes notifications to one or more of a plurality of devices. Horvitz's system performs this task **by forcing the notifications to comply with an XML schema**, which can be used to provide a variety of data characterizing the notification itself (e.g., notification message size, content type, etc.). *See* Horvitz, ¶ 0160 (disclosing explicit routing policies hard coded into the schema for determining how notifications should be routed), ¶ 0161 (disclosing a notification header that describes a class, title, and subscription identifier for the notification, which can all be used for routing), ¶ 0162 (describing notification body attributes, such as type of content, size of content, priority of content, etc.), ¶¶ 0165-69 (disclosing rendering preferences that describe how types of content can be summarized on a per-device basis and how content can be encoded in multiple ways for different devices, with encoding hints to indicate routing preferences). Horvitz also describes device schema, which can be used to describe the abilities of particular devices, which can serve as a routing guide. *See id.*, ¶¶ 0175-76.

Nonetheless, as discussed more fully in the Amendment filed December 28, 2010 (the "Amendment"), which is incorporated herein by reference, Horvitz does **not** appear to disclose any functionality for analyzing, *as the basis of a routing determination*, any information characterizing an event that is the subject of the content in the notification. Instead, Horvitz relies on the notification schema, which Horvitz describes as "metadata about the subscription of a service to a source of information, as well as representing details about that information, including the nature, importance, time criticality or urgency of information, disposition over time

of information provided by a message, and message handling preferences," to make a routing determination. *Id.*, ¶ 0159. In other words, Horvitz's system is unconcerned with the information provided by the content of the notification, because it relies on metadata about the content (or the notification itself) to make routing decisions.

In contrast, claim 1 recites a system that is capable of determining, from information characterizing the event (e.g.,, a natural disaster about which notification is distributed), , rather than any metadata about the alert, which of the two or more types of subscriber equipment should receive the alert. The final Office Action, therefore, incorrectly ignores the distinction between the alert (or notification) about an event, and the underlying event (e.g., natural disaster, civil emergency) itself.

This distinction is not a trivial difference, and the solution provided by claim 1 would not be an obvious modification of Horvitz's disclosed technique. Horvitz relies on carefully-formatted notifications, which are received from an information provider, to provide precise routing of the notifications. Claim 1 has more general applicability, because it does not require such a schema. Instead, the system recited by claim 1 is capable of analyzing the raw information in the alert, which describes the event itself, to make routing determinations. This feature, which is neither disclosed nor suggested by Horvitz or any other cited reference, is beneficial in the context of an alert distribution device, because there is no guarantee that the alerts will comport with any particular schema when they are received by the system.

Horvitz fails to teach or suggest determining where to provide alert based on the analysis of the event information

The Examiner asserts that Horvitz discloses the element of analyzing the event information. For this limitation, the Examiner interprets "time criticality or urgency of information" in ¶ 0159 of Horvitz to characterize the nature of the information, and interprets "attributes that detail the type of content in the body [of a notification], e.g., textOnly, textAudio, textGraphics, AudioGraphics, …." in ¶ 0162 of Horvitz as characterizing the notification. The Examiner further asserts that, based on a separate disclosure in Horvitz regarding the rendering preferences [i.e., ¶¶ 0165-0171], Horvitz discloses providing a notification to a cell phone or desktop device such that, based on the characterization of the piece of content, an appropriate receiving device is selected. Applicant respectfully disagrees.

Claim 1 requires, "wherein the alert gateway . . . is configured to analyze the event information and to determine to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the event information" (emphasis added).

Even assuming metadata about the alert (such as time criticality, urgency, or other attributes) could be equated with information characterizing the underlying event (which, as noted above, it cannot), the system disclosed by Horvitz still does not *analyze* (at an alert gateway) "time criticality or urgency of information," or "attributes that detail the type of content in the body of a notification," etc., and certainly does not subsequently utilize this analysis as the basis for "determining to which of two or more types of subscriber equipment to provide the alert," as required by claim 1. Rather, Horvitz relies on notification schemas that summarize (at the source processes) routing policies. *See id.*, ¶ 0160. Horvitz fails to teach or suggest that the determination can be as a function of the analysis.

Horvitz appears to teach away from determining based on analysis of event information

Moreover, Horvitz teaches that "[i]n general, a notification schema should consider allowing routing policies to be written directly into a schema by source processes, **versus always relying on a downstream information agent to infer routing policies from attributes of content, urgency and the like**" (emphasis added). *See* ¶ 0160. Thus, in addition to failing to disclose the functionality of claim 1, Horvitz actually teaches away from "determining to which of two or more types of subscriber equipment to provide the alert as a function of analyzing the event information" (emphasis added), because Horvitz teaches that it is beneficial to use schema-based policies, rather than notification content, to make routing decisions (even assuming that metadata about notification content could be equated with the recited "event information").

Conclusion

For at least the reasons above, claim 1 is allowable over any combination of Zimmers, Hunter, Edson, and Horvitz. Claims 15, 27, 43, and 49, each of which discloses similar features, are allowable over those references for at least similar reasons. The remaining claims are allowable over that combination at least by virtue of their dependence from allowable base claims.

Respectfully submitted,

Date: 2011-06-03

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